

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

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WILSON G. PACHECO LOZANO,

Plaintiff,

ORDER
12-CV-2579

-versus-

BARNETT IRON ASSOCIATES,

Defendant.

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JOHN GLEESON, United States District Judge:

The plaintiff filed a complaint on May 21, 2012 seeking to recover unpaid overtime wages and other damages under the Fair Labor Standards Act and the New York Minimum Wage Act. It now appears that the plaintiff does not plan to continue with this case. The defendant also appears uninterested in defending this lawsuit, as it failed to file an Answer.

Counsel for the plaintiff now moves this Court to dismiss the action without prejudice, or to be relieved as counsel, based on counsel's inability to reach his client. In support, counsel has filed a Declaration detailing his unsuccessful efforts over the past several months to reach the plaintiff by telephone, email and letter. Decl. of Penn Dodson, Nov. 17, 2012, ECF No. 9.

Ordinarily, this Court would order the plaintiff to show cause why the case should not be dismissed for want of prosecution. However, in light of the sequence of events described in this motion as well as in Dodson's Motion for Extension of Time, Oct. 20, 2012, ECF No. 8, the motion to dismiss without prejudice is granted.

So ordered.

JOHN GLEESON, U.S.D.J.

Dated: November 19, 2012
Brooklyn, New York